

BRIAN J. STRETCH (CABN 163973)
United States Attorney

BARBARA J. VALLIERE (DCBN 439353)
Chief, Criminal Division

ROBIN L. HARRIS (CABN 123364)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7016
Fax: (415) 436-7234
Robin.Harris2@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 3-17-70131 MAG
)	
Plaintiff,)	STIPULATION AND PROPOSED ORDER
)	DOCUMENTING WAIVER OF TIME UNDER
v.)	RULE 5.1 AND EXCLUSION OF TIME UNDER
)	THE SPEEDY TRIAL ACT
JEFFREY WERTKIN,)	
)	
Defendant.)	
)	

WHEREAS, a Criminal Complaint was filed in this matter on February 1, 2017;

WHEREAS, the defendant initially appeared in this matter on February 1, 2017, and was released by the Court at that time on a secured \$750,000 bond;

WHEREAS, at the time of the initial appearance the Court scheduled the parties' next appearance for February 22, 2017 for preliminary hearing or arraignment;

WHEREAS, since the parties' February 1, 2017 appearance, the defendant has retained new counsel, Cristina Arguedas and Ted Cassman, who have agreed to continue the date for preliminary hearing or arraignment to March 28, 2017;

WHEREAS, pursuant to Federal Rule of Criminal Procedure 5.1 the Court is required to conduct a preliminary hearing on or before February 22, 2017, unless, *inter alia*, the defendant, who is out of

1 custody, waives the preliminary hearing or is indicted;

2 WHEREAS, the United States will provide discovery to defense counsel, who will review the
3 evidence to determine whether a pre-indictment disposition is appropriate. Only after evaluating the
4 evidence will counsel be in a position to evaluate any disposition.

5 WHEREAS, counsel for the defendant believes that additional time is necessary to review the
6 evidence and investigate the case, and believes it is in the best interests of the defendant to do so before
7 formal charges are filed;

8 WHEREAS, taking into account the public interest in the prompt disposition of criminal cases,
9 the parties agree that these grounds are good cause for extending the time limits for a preliminary
10 hearing under Federal Rule of Criminal Procedure 5.1 from February 22, 2017 to March 28, 2017;

11 WHEREAS, the parties agree that a failure to grant the continuance would deny defense counsel
12 the reasonable time necessary for effective preparation, taking into account the exercise of due diligence,
13 and under the circumstances the ends of justice served by a reasonable continuance outweigh the best
14 interest of the public and the defendant in a speedy trial; and

15 WHEREAS, the defendant consents to the setting of the preliminary hearing on March 28, 2017,
16 as well as an exclusion of time under the Speedy Trial Act from February 22, 2017, to March 28, 2017.

17 THEREFORE, it is hereby stipulated by and between the parties, through their respective
18 counsel of record, that the date for the preliminary hearing be set for March 28, 2017, at 9:30 a.m. under
19 the Federal Rule of Criminal Procedure 5.1(d) and 18 U.S.C. § 3060 and that time be excluded under the
20 Speedy Trial Act between February 22, 2017, and March 28, 2017, under 18 U.S.C. § 3161(h)(7)(B)(iv).
21 IT IS SO STIPULATED.

22 Dated: February 10, 2017

BRIAN J. STRETCH
United States Attorney

23
24 /s/

ROBIN L. HARRIS
Assistant United States Attorney

25
26 Dated: February 10, 2017

27 /s/

CHRISTINA ARGUEDAS
TED CASSMAN
Counsel for the Defendant
28

~~[PROPOSED]~~ ORDER

For the foregoing reasons, the Court HEREBY ORDERS that the preliminary hearing in this matter is re-set from February 22, 2017, to March 28, 2017, at 9:30 a.m., before the Honorable Maria-Elena James. The Court finds that good cause is shown for extending the time limits set forth in Federal Rule of Criminal Procedure 5.1(c), and, further, concludes that the extension is proper under Rule 5.1(d) and Title 18, United States Codes, Sections 3060 and 3161.

The Court finds the failure to grant the requested extension would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court finds that the ends of justice served by granting the requested extension outweigh the best interests of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The Court also concludes that an exclusion of time from February 22, 2017, through and including March 28, 2017, should be made under Title 18, United States Code, Sections 3161(h)(7)(A) and 3161(h)(7)(B)(iv). The Court also finds that the ends of justice served by excluding the period from February 22, 2017, to March 28, 2017, outweigh the best interest of the public and the defendant in a speedy trial. *Id.* § 3161(h)(7)(A).

IT IS SO ORDERED.

Dated: 02/13/2017



HONORABLE LAUREL BEELER
UNITED STATES MAGISTRATE JUDGE